

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 537

AN ACT to amend the Indiana Code concerning natural and cultural resources and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 4-37 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

ARTICLE 37. STATE MUSEUM AND HISTORIC SITES

Chapter 1. Definitions

Sec. 1. Except as otherwise provided, the definitions in this chapter apply throughout this article.

Sec. 2. "Board" refers to the corporation's board of trustees established by IC 4-37-3-1.

Sec. 3. "Chief executive officer" refers to the chief executive officer of the Indiana state museum and historic sites corporation appointed under IC 4-37-2-5 and the director of the state museum.

Sec. 4. "Corporation" refers to the Indiana state museum and historic sites corporation established by IC 4-37-2-1.

Sec. 5. "Foundation" refers to the Indiana state museum foundation established under IC 4-37-8-1 or its successors.

Sec. 6. "Fund" refers to the state museum and historic sites development fund established by IC 4-37-7-1.

Sec. 7. "Historic site" refers to a state historic site established and maintained by the board under the criteria established by the board.

Sec. 8. "Museum" refers to the state museum.

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Sec. 9. "State museums" refers to the following:

- (1) The state museum located in the White River State Park.
- (2) The historic sites.

Chapter 2. State Museum and Historic Sites Corporation

Sec. 1. The Indiana state museum and historic sites corporation is established.

Sec. 2. (a) The corporation is:

- (1) a public body corporate and politic; and
- (2) an instrumentality of the state.

(b) The corporation is separate from the state. However, the exercise by the corporation of its powers is an essential governmental function.

Sec. 3. The corporation may:

- (1) sue and be sued; and
- (2) plead and be impleaded.

Sec. 4. The corporation is subject to a biennial audit by the state board of accounts.

Sec. 5. The board shall appoint, subject to the governor's approval, an individual to serve as chief executive officer of the corporation.

Sec. 6. The corporation is not subject to the requirements under IC 5-13-6-1.

Sec. 7. The records of the corporation are subject to IC 5-14-3.

Sec. 8. (a) After June 30, 2011, rules that concern the division of state museums and historic sites that were adopted by the natural resources commission shall be treated as rules applying to the corporation.

(b) After June 30, 2011, a reference to the department of natural resources in a statute or rule concerning the division of state museums and historic sites shall be treated as a reference to the corporation.

Chapter 3. Members and Organization

Sec. 1. The corporation is governed by a board of trustees that consists of the following members:

(1) Thirteen (13) persons appointed by the governor who are voting members. The governor's appointments must meet the following criteria:

- (A) Each member must be a resident of Indiana.
- (B) Not more than two (2) members may reside in the same county.
- (C) At least one (1) member must be a recognized supporter of historic sites.

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(D) Not more than seven (7) members may be from the same political party.

(2) Twelve (12) persons appointed by the board who are voting members. The board's appointments must meet the following criteria:

(A) Each member must be a resident of Indiana.

(B) Not more than two (2) members may reside in the same county.

(C) At least one (1) member must be a recognized supporter of historic sites.

(D) Not more than six (6) members may be from the same political party.

(3) The following persons serve as nonvoting members of the board:

(A) The chief executive officer.

(B) The governor or the governor's designee.

(C) One (1) member of the house of representatives appointed by the chairman of the legislative council.

(D) One (1) member of the senate appointed by the chairman of the legislative council.

(E) The director of the department of natural resources or the director's designee.

The members appointed under clauses (C) and (D) must be from different political parties and serve at the pleasure of the chairman of the legislative council.

Sec. 2. (a) The members appointed in section 1 of this chapter:

(1) begin their terms July 1;

(2) shall serve for terms of three (3) years; and

(3) may be reappointed or replaced by the appointing authority, but may not serve more than three (3) consecutive terms.

(b) A member appointed under this section to fill a vacancy shall fill the vacancy for the remainder of the unexpired term.

(c) Each member shall continue to serve until the member's successor is appointed and qualified.

Sec. 3. (a) The governor shall appoint the chair of the board, who shall serve for a one (1) year term or until the governor appoints a successor.

(b) The board shall elect a vice chair, secretary, and treasurer for a term of two (2) years each.

Sec. 4. (a) Thirteen (13) voting members of the board constitute a quorum.

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(b) The board shall adopt bylaws establishing procedures for the board.

Sec. 5. Board members are not liable in an individual capacity for any act done or omitted in connection with the performance of duties under this article. This section does not apply to an act or omission that constitutes gross negligence or willful misconduct.

Sec. 6. (a) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and for other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the board who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and for other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each member of the board who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

Chapter 4. General Powers, Duties, and Exemptions

Sec. 1. The title to the following shall be held in the name of the state of Indiana:

- (1) Property constituting the state museums, except to the extent that the property is subject to a use and occupancy agreement between the Indiana finance authority and the Indiana department of administration.
- (2) Property acquired by the board.

Sec. 2. The board shall do the following:

- (1) Operate and administer the state museums.
- (2) Maintain accreditation of the state museums.
- (3) Collect, preserve, display, and interpret artifacts and materials reflecting the cultural and natural history of Indiana.

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(4) Prepare and maintain a statewide inventory of the artifacts and materials described in subdivision (3).

(5) Uphold the highest professional and ethical standards, as adopted by the American Association of Museums.

Sec. 3. The board may do the following:

(1) Do any and all acts and things necessary, proper, or convenient to carry out this article.

(2) Hold meetings under IC 5-14-1.5 at the times and places in Indiana that are prescribed by the board's bylaws.

(3) Adopt an official seal.

(4) Adopt bylaws.

(5) Make and execute contracts and other instruments necessary or convenient to the exercise of the board's powers.

(6) Acquire by grant, purchase, gift, devise, or lease or otherwise and hold, use, sell, lease, manage, operate, clear, improve, encumber, transfer, convey, exchange, or dispose of the following:

(A) Real and personal property and any interest in real or personal property.

(B) Facilities.

(C) Money or stocks.

(D) Any right or interest necessary or useful for carrying out the board's powers and duties under this article.

(7) Procure insurance against any loss in connection with the board's operations.

(8) Enter into contractual or other arrangements with the Indiana department of administration in connection with the financing of the state museums under IC 4-13.5.

(9) Notwithstanding IC 4-13.5-4-5, allocate space in museums financed by the Indiana finance authority under IC 4-13.5.

(10) Fix and collect rents, admission charges, fees, tolls, and other user charges for:

(A) the state museums;

(B) restaurants;

(C) other facilities; and

(D) programs, lectures, classes, tours, and trips.

(11) Maintain shops and restaurants on property that the board manages and at other locations and employ or contract with persons to manage the shops and restaurants.

(12) Make or sell the following:

(A) Pictures, models, books, and other representations of the museum and its artifacts and exhibits.

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(B) Souvenirs, crafts, art, videotapes, digital video discs, and other merchandise.

(13) Pay royalties, license fees, or charges for exhibits, artifacts, artwork, or materials.

(14) Own copyrights, trademarks, and service marks and enforce the board's rights with respect to ownership.

(15) Conduct market research concerning the state museums.

(16) Adopt rules under IC 4-22-2 to carry out the purposes of this article.

Sec. 4. (a) The board may accept or refuse to accept an offered gift of historic property to be administered by the board.

(b) Notwithstanding IC 4-20.5-7 and IC 5-22-22, the board may sell, lease, or exchange historic property administered by the board.

(c) Notwithstanding IC 5-22-22, the board may, in accordance with the board's policies, sell, donate, or exchange artifacts in the state museums' collections to or with other public or nonprofit museums or historical societies.

(d) The board may by rule establish a procedure for evaluating the merits of proposals to:

- (1) accept gifts of;**
- (2) sell; or**
- (3) exchange;**

artifacts or historic property.

(e) The board may donate or make short term loans of artifacts in the museums' collections to other:

- (1) public or nonprofit museums; or**
- (2) historical societies.**

Sec. 5. The board is not required to pay any taxes or assessments upon any property acquired or used by the board under this article, or upon the income from the property.

Sec. 6. The board is exempt under IC 6-2.5-5-16 from the state gross retail tax for transactions involving tangible personal property, public utility commodities, and public utility service.

Sec. 7. The board is exempt from the following:

- (1) The requirements of IC 4-13-2-20 prohibiting payment in advance.**
- (2) The procurement requirements under IC 5-22.**

Sec. 8. (a) The board shall annually evaluate the performance of the chief executive officer.

(b) Subject to approval by the governor, the board may dismiss the chief executive officer.

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Chapter 5. Personnel Matters

Sec. 1. Employees of the corporation are not employees of the state.

Sec. 2. The board shall do the following:

- (1) Establish policies for the governance and management of the staffs of the state museums.**
- (2) Establish the rights and duties of corporation employees, including a pay scale and benefit package.**
- (3) Employ or contract with consultants, attorneys, or other persons as are required in the judgment of the board and pay compensation from funds available to the board.**

Sec. 3. The board may develop a separate personnel system for employees of the corporation. The system may establish the rights, privileges, powers, and duties of the corporation employees, including pay scale and benefit package. If the board does not develop and adopt a personnel system, the employees of the corporation are subject to the state personnel system under IC 4-15-1.8. If the board does adopt a separate personnel system, the rules should mirror the state personnel rules as closely as possible.

Sec. 4. (a) The board shall adopt a resolution providing that the corporation's employees who are eligible to participate in the public employees' retirement fund under the eligibility requirements set forth in IC 5-10.2 and IC 5-10.3 shall participate in the fund.

(b) The board shall adopt a resolution to allow the corporation's employees to participate in group insurance and other benefit plans, including the state employees' deferred compensation plan, that are available to state employees.

Sec. 5. (a) The board may hire, fix the compensation of, review the performance of, and dismiss, subject to the governor's approval, a chief executive officer who:

- (1) is the director of state museums;**
- (2) is the chief administrative officer of the corporation; and**
- (3) supervises and directs the work of the state museums' staffs and contractors.**

(b) The chief executive officer may hire, fix the compensation of, review the performance of, and dismiss employees of the corporation.

Sec. 6. The board and the employees of the corporation are:

- (1) under the jurisdiction of and rules adopted by the state ethics commission; and**

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(2) subject to ethics rules and requirements that apply to the executive branch of state government.

However, the board may adopt additional ethics rules and requirements that are more stringent than those adopted by the state ethics commission.

Sec. 7. The board may assist in the professional development of the museums' staffs.

Chapter 6. Budget, Finance, and Planning

Sec. 1. (a) The chief executive officer shall annually present to the board the needs and requests of the corporation and a proposed budget.

(b) The chief executive officer shall present the proposed biennial and board approved annual budget of the corporation to the governor. The proposed budget is subject to IC 4-12-1 if the proposed budget includes funding to be appropriated from the state general fund.

Sec. 2. The board may qualify the museum for federal and other aid to preserve historic property, materials, items, and memorials.

Chapter 7. State Museum and Historic Sites Development Fund

Sec. 1. The state museum and historic sites development fund is established. The corporation or an entity designated by the board shall administer the fund.

Sec. 2. The corporation may invest the money in the fund not currently needed to meet the obligations of the fund in a manner consistent with IC 5-13-10. Interest earned on the investments shall be deposited in the corporation's funds.

Sec. 3. The expenses of administering the fund shall be paid from the fund.

Sec. 4. The corporation may spend the money in the fund for any purpose of the corporation that complies with this article, including the acquisition of real property and historical artifacts and specimens, construction of facilities, and betterments and improvements at historic sites.

Sec. 5. Except as provided in section 8 of this chapter, the following shall be deposited in the fund:

- (1) Proceeds from admission and user fees.
- (2) Sales at museum shops.
- (3) Facility rentals.
- (4) Restaurant sales.
- (5) Any other income generated by the state museums.
- (6) Gifts of money or the proceeds from the sale of gifts donated to the state museums.

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Sec. 6. (a) All earned income accruing to the fund is appropriated continuously for purposes of this article.

(b) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 7. The chief executive officer shall report annually to the board and the budget committee on the activities, revenues, expenditures, and profits of the museums' shops, facility rentals, and restaurants.

Sec. 8. The chief executive officer of the corporation may enter into a memorandum of understanding with one (1) or more nonprofit organizations that are recognized supporters of a specific state historic site and are exempt from taxation under Section 501(c)(3) of the Internal Revenue Code. The memorandum of understanding may provide that the nonprofit organization or organizations may maintain a gift shop and offer special events at the state historic site.

Sec. 9. The chief executive officer of the corporation shall enter into:

- (1) a memorandum of understanding with the Indiana department of transportation providing for the Indiana department of transportation to maintain historical services provided to the various state historic sites;**
- (2) a memorandum of understanding with the department of correction providing for the department of correction to provide assistance in maintaining a state historic site; and**
- (3) a memorandum of understanding with the department of natural resources providing for the department of natural resources to provide:**
 - (A) assistance or services to repair or clean up a state historic site if a natural disaster or severe weather (as defined in IC 36-8-21.5-7) has occurred; and**
 - (B) assistance providing equipment to the state historic sites for special events.**

Chapter 8. Indiana State Museum Foundation

Sec. 1. The board may establish a nonprofit subsidiary corporation, to be known as the Indiana state museum foundation, that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code to solicit and accept private funding, gifts, donations, bequests, devises, and contributions.

Sec. 2. The foundation:

- (1) shall use money received under section 1 of this chapter to carry out in any manner the purposes and programs under**

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this article; and

(2) may deposit money received under section 1 of this chapter in an account or fund that is:

(A) administered by the foundation; and

(B) not part of the state treasury.

Sec. 3. The foundation is governed by a board of directors. The directors are the members of the board.

Sec. 4. Employees of the corporation shall provide administrative support for the foundation.

Sec. 5. The state board of accounts shall annually audit the foundation.

Chapter 9. Governor Frank O'Bannon Great Hall

Sec. 1. The museum's great hall shall be known as the "Governor Frank O'Bannon Great Hall".

Sec. 2. The chief executive officer of the museum shall install and maintain the following:

(1) Appropriate public signage on and around the museum that displays the name of the great hall.

(2) A plaque located at an appropriate spot in the museum describing the highlights of the life and career of Governor Frank O'Bannon.

SECTION 2. IC 14-8-2-77, AS AMENDED BY P.L.69-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 77. "Division" has the following meaning:

(1) For purposes of IC 14-9-8, the meaning set forth in IC 14-9-8-2.

~~(2) For purposes of IC 14-20-1 and IC 14-20-16, the meaning set forth in IC 14-20-1-2.~~

~~(3)~~ (2) For purposes of IC 14-21, the division of historic preservation and archeology.

~~(4)~~ (3) For purposes of IC 14-22, the division of fish and wildlife.

~~(5)~~ (4) For purposes of IC 14-24, the division of entomology and plant pathology.

~~(6)~~ (5) For purposes of IC 14-25.5, the division of water.

~~(7)~~ (6) For purposes of IC 14-31-2, the meaning set forth in IC 14-31-2-4.

~~(8)~~ (7) For purposes of IC 14-32, the division of soil conservation of the Indiana state department of agriculture established by IC 15-11-4-1.

~~(9)~~ (8) For purposes of IC 14-37, the division of oil and gas.

SECTION 3. IC 14-8-2-103, AS AMENDED BY P.L.66-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2011]: Sec. 103. ~~(a)~~ "Foundation" refers to the Indiana natural resources foundation.

~~(b)~~ For purposes of ~~IC 14-20-1~~, "foundation" refers to:

- ~~(1)~~ the Indiana state museum foundation; or
- ~~(2)~~ another nonprofit organization established to promote:
 - ~~(A)~~ interest in; and
 - ~~(B)~~ the use of;

~~the Indiana state museum system.~~

SECTION 4. IC 14-8-2-107, AS AMENDED BY SEA 532-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 107. "Fund" has the following meaning:

- (1) For purposes of IC 14-9-5, the meaning set forth in IC 14-9-5-1.
- (2) For purposes of IC 14-9-8-21, the meaning set forth in IC 14-9-8-21.
- (3) For purposes of IC 14-9-8-21.5, the meaning set forth in IC 14-9-8-21.5.
- (4) For purposes of IC 14-9-9, the meaning set forth in IC 14-9-9-3.
- (5) For purposes of IC 14-12-1, the meaning set forth in IC 14-12-1-1.
- (6) For purposes of IC 14-12-2, the meaning set forth in IC 14-12-2-2.
- (7) For purposes of IC 14-12-3, the meaning set forth in IC 14-12-3-2.
- (8) For purposes of IC 14-13-1, the meaning set forth in IC 14-13-1-2.
- (9) For purposes of IC 14-13-2, the meaning set forth in IC 14-13-2-3.
- (10) For purposes of IC 14-16-1, the meaning set forth in IC 14-16-1-30.
- (11) For purposes of IC 14-19-8, the meaning set forth in IC 14-19-8-1.
- ~~(12)~~ For purposes of ~~IC 14-20-1~~, the meaning set forth in ~~IC 14-20-1-3~~.
- ~~(13)~~ **(12)** For purposes of IC 14-20-11, the meaning set forth in IC 14-20-11-2.
- ~~(14)~~ **(13)** For purposes of IC 14-21-4, the meaning set forth in IC 14-21-4-10.
- ~~(15)~~ **(14)** For purposes of IC 14-22-3, the meaning set forth in IC 14-22-3-1.
- ~~(16)~~ **(15)** For purposes of IC 14-22-4, the meaning set forth in

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IC 14-22-4-1.

~~(17)~~ **(16)** For purposes of IC 14-22-5, the meaning set forth in IC 14-22-5-1.

~~(18)~~ **(17)** For purposes of IC 14-22-8, the meaning set forth in IC 14-22-8-1.

~~(19)~~ **(18)** For purposes of IC 14-22-34, the meaning set forth in IC 14-22-34-2.

~~(20)~~ **(19)** For purposes of IC 14-23-3, the meaning set forth in IC 14-23-3-1.

~~(21)~~ **(20)** For purposes of IC 14-24-4.5, the meaning set forth in IC 14-24-4.5-2(5).

~~(22)~~ **(21)** For purposes of IC 14-25-2-4, the meaning set forth in IC 14-25-2-4.

~~(23)~~ **(22)** For purposes of IC 14-25-10, the meaning set forth in IC 14-25-10-1.

~~(24)~~ **(23)** For purposes of IC 14-25-11-19, the meaning set forth in IC 14-25-11-19.

~~(25)~~ **(24)** For purposes of IC 14-25.5, the meaning set forth in IC 14-25.5-1-3.

~~(26)~~ **(25)** For purposes of IC 14-28-5, the meaning set forth in IC 14-28-5-2.

~~(27)~~ **(26)** For purposes of IC 14-31-2, the meaning set forth in IC 14-31-2-5.

~~(28)~~ **(27)** For purposes of IC 14-25-12, the meaning set forth in IC 14-25-12-1.

~~(29)~~ **(28)** For purposes of IC 14-32-8, the meaning set forth in IC 14-32-8-1.

~~(30)~~ **(29)** For purposes of IC 14-33-14, the meaning set forth in IC 14-33-14-3.

~~(31)~~ **(30)** For purposes of IC 14-33-21, the meaning set forth in IC 14-33-21-1.

~~(32)~~ **(31)** For purposes of IC 14-34-6-15, the meaning set forth in IC 14-34-6-15.

~~(33)~~ **(32)** For purposes of IC 14-34-14, the meaning set forth in IC 14-34-14-1.

~~(34)~~ **(33)** For purposes of IC 14-34-19-1.3, the meaning set forth in IC 14-34-19-1.3(a).

~~(35)~~ **(34)** For purposes of IC 14-34-19-1.5, the meaning set forth in IC 14-34-19-1.5(a).

~~(36)~~ **(35)** For purposes of IC 14-37-10, the meaning set forth in IC 14-37-10-1.

SECTION 5. IC 14-8-2-124 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 124. "Historic property", for purposes of ~~IC 14-20-1~~ and IC 14-21-1, means:

- (1) a historic site;
- (2) a historic structure; or
- (3) other personal or real property located on or in a historic site or historic structure.

SECTION 6. IC 14-8-2-125 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 125. "Historic site", for purposes of ~~IC 14-20-1~~ and IC 14-21-1, means a site that is important to the general, archeological, agricultural, economic, social, political, architectural, industrial, or cultural history of Indiana. The term includes adjacent property that is necessary for the preservation or restoration of the site.

SECTION 7. IC 14-8-2-126 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 126. "Historic structure", for purposes of ~~IC 14-20-1~~ and IC 14-21-1, means a structure that is important to the general, archeological, agricultural, economic, social, political, architectural, industrial, or cultural history of Indiana. The term includes adjacent property that is necessary for the preservation or restoration of the structure.

SECTION 8. IC 14-8-2-202 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 202. (a) "Person" means, except as provided in subsections (b) through (j), an individual, a partnership, an association, a fiduciary, an executor or administrator, a limited liability company, or a corporation.

(b) "Person", for purposes of IC 14-12-2, has the meaning set forth in IC 14-12-2-3.

(c) "Person", for purposes of IC 14-16, IC 14-22-28, IC 14-24, IC 14-26-2, IC 14-28-1, ~~IC 14-28-3~~, ~~IC 14-29-6~~, and IC 14-38-2, means an individual, a partnership, an association, a fiduciary, an executor or administrator, a limited liability company, a corporation, other legal entity, the state, or an agency, a political subdivision, or another instrumentality of the state.

(d) "Person", for purposes of IC 14-12-1, IC 14-12-2, ~~IC 14-20-1~~, IC 14-21, IC 14-25 through IC 14-29, except as otherwise provided in this section, IC 14-33, IC 14-34, and IC 14-37, means an individual, a partnership, an association, a fiduciary, an executor or administrator, a limited liability company, a corporation, or a governmental entity.

(e) "Person", for purposes of IC 14-22-31.5, has the meaning set forth in IC 14-22-31.5-2.

(f) "Person", for purposes of IC 14-25-3, has the meaning set forth in IC 14-25-3-1.

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(g) "Person", for the purposes of IC 14-25-7, has the meaning set forth in IC 14-25-7-5.

(h) "Person", for purposes of IC 14-34, means an individual, a partnership, a limited liability company, an association, a society, a joint stock company, a firm, a company, a corporation, or other business organization.

(i) "Person", for purposes of IC 14-38-1, has the meaning set forth in IC 14-38-1-2.

(j) "Person", for purposes of IC 14-24-12, has the meaning set forth in IC 14-24-12-4.

SECTION 9. IC 14-8-2-208 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 208. "Political subdivision" has the following meaning:

- (1) For purposes of IC 14-12-1, the meaning set forth in IC 14-12-1-2.
- (2) For purposes of ~~IC 14-20-1~~, the meaning set forth in ~~IC 14-20-1-4~~.
- (3) (2) For purposes of IC 14-32-8, the meaning set forth in IC 14-32-8-2.

SECTION 10. IC 14-8-2-258 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 258. "Site", for purposes of ~~IC 14-20-1~~ and IC 14-21, includes the following:

- (1) An aboriginal mound, a fort, an earthwork, a village location, a burial ground, a ruin, a mine, a cave, a battleground, a shipwreck, or other similar location on land or under water.
- (2) A location that contains or did contain a structure.

SECTION 11. IC 14-8-2-268 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 268. "Structure" has the following meaning:

- (1) For purposes of ~~IC 14-20-1~~ and IC 14-21, a manmade construction.
- (2) For purposes of IC 14-27-7.5, the meaning set forth in IC 14-27-7.5-5.

SECTION 12. IC 14-9-4-1, AS AMENDED BY P.L.1-2006, SECTION 209, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. The following divisions are established within the department:

- (1) Accounting.
- (2) Administrative support services.
- (3) Budget.
- (4) Engineering.
- (5) Entomology and plant pathology.

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- (6) Fish and wildlife.
- (7) Forestry.
- (8) Historic preservation and archeology.
- (9) Human resources.
- (10) Internal audit.
- (11) Land acquisition.
- (12) Law enforcement.
- (13) Management information systems.
- (14) Nature preserves.
- (15) Oil and gas.
- (16) Outdoor recreation.
- (17) Public information and education.
- (18) Reclamation.
- (19) Reservoir management.
- (20) Safety and training.
- ~~(21)~~ State museums and historic sites.
- ~~(22)~~ **(21)** State parks.
- ~~(23)~~ **(22)** Water.

SECTION 13. IC 14-10-2-5, AS AMENDED BY SEA 71-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) The department may adopt emergency rules under IC 4-22-2-37.1 to carry out the duties of the department under the following:

- (1) IC 14-9.
- (2) This article.
- (3) IC 14-11.
- (4) IC 14-12-2.
- (5) IC 14-14.
- (6) IC 14-17-3.
- (7) IC 14-18, except IC 14-18-6 and IC 14-18-8.
- (8) IC 14-19-1 and IC 14-19-8.
- ~~(9) IC 14-20-1.~~
- ~~(10)~~ **(9)** IC 14-21.
- ~~(11)~~ **(10)** IC 14-22-3, IC 14-22-4, and IC 14-22-5.
- ~~(12)~~ **(11)** IC 14-23-1.
- ~~(13)~~ **(12)** IC 14-25, except IC 14-25-8-3, IC 14-25-11, and IC 14-25-13.
- ~~(14)~~ **(13)** IC 14-26.
- ~~(15)~~ **(14)** IC 14-27.
- ~~(16)~~ **(15)** IC 14-28.
- ~~(17)~~ **(16)** IC 14-29.
- ~~(18)~~ **(17)** IC 14-35-1, IC 14-35-2, and IC 14-35-3.

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~~(19)~~ (18) IC 14-37.

~~(20)~~ (19) IC 14-38, except IC 14-38-3.

(b) A rule adopted under subsection (a) expires not later than one (1) year after the rule is accepted for filing by the publisher of the Indiana Register.

SECTION 14. IC 14-10-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. This chapter applies to the property managers of each of the following divisions of the department:

- (1) State parks.
- (2) Forestry.
- (3) Fish and wildlife.
- (4) Reservoir management.
- ~~(5) State museums and historic sites.~~

SECTION 15. IC 14-12-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. (a) The Indiana heritage trust project committee is established.

(b) The project committee consists of the following sixteen (16) members:

- (1) The director of the division of fish and wildlife.
- (2) The director of the division of forestry.
- (3) The director of the division of nature preserves.
- (4) The director of the division of state parks.
- (5) The director of the division of outdoor recreation.
- (6) ~~The director~~ **chief executive officer of the division of Indiana state museums museum and historic sites corporation established by IC 4-37-2-1.**
- (7) Ten (10) individuals appointed by the governor. The governor shall appoint individuals so that all the following are satisfied:
 - (A) The individuals must be residents of Indiana.
 - (B) The individuals must have a demonstrated interest or experience in:
 - (i) conservation of natural resources; or
 - (ii) management of public property.
 - (C) Each Indiana congressional district must be represented by at least one (1) individual who is a resident of that congressional district.
 - (D) The individuals must represent the following:
 - (i) The environmentalist community.
 - (ii) The academic community.
 - (iii) Organized hunting and fishing groups.
 - (iv) The forest products community.

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(v) The parks and recreation community.

SECTION 16. IC 14-20-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The commission is composed of nine (9) members as follows:

- (1) The lieutenant governor or the lieutenant governor's designee.
- (2) The ~~director~~ **chief executive officer of the Indiana state museum and historic sites corporation (IC 4-37-2-1)** or the ~~director's chief executive officer's~~ designee.
- (3) One (1) individual who must be an elected officer of the New Harmony town legislative body.
- (4) One (1) individual who must be a representative of the University of Southern Indiana.
- (5) One (1) individual who must be a representative of the Robert Lee Blaffer Trust nominated by the trustees of the Robert Lee Blaffer Trust.
- (6) Four (4) other individuals, at least two (2) of whom must be residents of Posey County.

(b) The governor shall appoint the members of the commission under subsection (a)(3) through (a)(6).

SECTION 17. IC 14-20-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. The commission shall do the following:

- (1) Recommend legislation to do the following:
 - (A) Protect the area from the environmental degradation.
 - (B) Assure development of the historic, scenic, aesthetically pleasing, cultural, educational, and recreational nature of the community.
- (2) Conduct a survey of New Harmony memorabilia that is in existence and establish a plan for restoring the memorabilia to the community.
- (3) Conduct other activities that are necessary for promotion and enhancement of the area of New Harmony.
- (4) Cooperate with the ~~department~~ **Indiana state museum and historic sites corporation (IC 4-37-2-1)** and Indiana department of transportation on recommending access and egress from New Harmony.

SECTION 18. IC 14-20-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The real property shall be administered, maintained, managed, and controlled by the ~~department in the same manner as the state parks~~ **Indiana state museum and historic sites corporation (IC 4-37-2-1)** and shall be known as The James F.D. Lanier Home.

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SECTION 19. IC 14-20-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The ~~department~~ **Indiana state museum and historic sites corporation (IC 4-37-2-1)** may receive donations for the upkeep of the monument provided for in this chapter.

SECTION 20. IC 14-20-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The real property shall be administered by the ~~department~~ **Indiana state museum and historic sites corporation (IC 4-37-2-1)** as a historic property and shall be known as the William S. Culbertson Mansion.

SECTION 21. IC 14-20-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. The ~~department~~ **Indiana state museum and historic sites corporation (IC 4-37-2-1)** may receive the following:

- (1) Donations for the maintenance of the mansion.
- (2) Other money that is necessary to carry out this chapter.

SECTION 22. IC 14-20-9-1, AS AMENDED BY SEA 490-2011, SECTION 296, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. This section and sections 2 through 5 of this chapter do not apply if:

- (1) the Wilbur Wright memorial is transferred to the Wilbur Wright Birthplace Preservation Society after June 30, 1995; or
- (2) the ~~commission board of trustees of the Indiana state museum and historic sites corporation (IC 4-37-2-1)~~ declares the memorial to be surplus to the needs of the ~~commission and the department: state museum and historic sites corporation.~~

SECTION 23. IC 14-20-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. The ~~department~~ **Indiana state museum and historic sites corporation (IC 4-37-2-1)** shall administer the real property, which shall be known as the Wilbur Wright Birthplace.

SECTION 24. IC 14-20-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. The ~~department~~ **Indiana state museum and historic sites corporation (IC 4-37-2-1)** may do the following:

- (1) Receive any appropriations made by the federal government to assist in memorializing the achievements of Wilbur Wright.
- (2) Expend the money received from the federal government in conformity with this chapter or the federal law making the appropriation.

SECTION 25. IC 14-20-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. The real property

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shall be administered by the ~~department~~ **Indiana state museum and historic sites corporation (IC 4-37-2-1)** as a historic property and shall be known as the Ernie Pyle Birthplace.

SECTION 26. IC 14-20-12-3, AS AMENDED BY P.L.229-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. Thousands of Hoosiers all over the nation have contributed toward the moving and restoration of this historic house and because the house has already proven to be an outstanding tourist attraction and in keeping with our great American heritage, it is the intent of this chapter that the office of tourism development, the ~~department~~, **Indiana state museum and historic sites corporation (IC 4-37-2-1)**, and other appropriate state boards and agencies give widespread publicity to this memorial by brochure, pamphlet, or other means.

SECTION 27. IC 14-20-16-1, AS ADDED BY P.L.69-2009, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) The governors' portraits collection is placed in the custody of the ~~division~~, **Indiana state museum and historic sites corporation (IC 4-37-2-1)**. The collection shall be permanently displayed in public areas of the state house under the supervision of the ~~division~~, **Indiana state museum and historic sites corporation**, which is charged with its care and maintenance.

(b) The ~~director chief executive officer~~ of the ~~division~~ **Indiana state museum and historic sites corporation** shall inspect each painting in the collection annually in the company of one (1) or more experts in the field of art conservation selected by the ~~director chief executive officer~~ of the ~~division~~, **Indiana state museum and historic sites corporation**.

(c) After the inauguration of each governor, the ~~director chief executive officer~~ of the ~~division~~, **Indiana state museum and historic sites corporation**, with the concurrence of the governor, shall select and commission an artist to paint the governor's portrait. The portrait must be hung in the permanent collection immediately following the completion and acceptance of the portrait by the ~~director chief executive officer~~ of the ~~division~~, **Indiana state museum and historic sites corporation** and the governor.

(d) The ~~division~~ **Indiana state museum and historic sites corporation** shall include in its budget requests the amount the ~~division~~ **Indiana state museum and historic sites corporation** considers necessary to:

- (1) provide for the proper care, maintenance, and display of the governors' portraits collection; and

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(2) commission the painting of an oil portrait of each governor for the collection.

The ~~division~~ **Indiana state museum and historic sites corporation** may use appropriated funds or any other funds provided for these purposes.

(e) The ~~director chief executive officer~~ of the ~~division~~, **Indiana state museum and historic sites corporation**, in discharging the duties under this section, shall use the appropriate cultural and technical resources of the state, including the **department**, Indiana historical bureau, and the Indiana department of administration.

SECTION 28. IC 14-20-16-2, AS ADDED BY P.L.69-2009, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) The governors' portraits fund is established as a dedicated fund to be administered by the ~~division~~. **Indiana state museum and historic sites corporation (IC 4-37-2-1)**. Money in the fund may be expended by the ~~director chief executive officer~~ of the ~~division~~ **Indiana state museum and historic sites corporation** exclusively for the preservation and exhibition of the state owned portraits of former governors of Indiana.

(b) The proceeds from the sale of items as directed by law or by the ~~director chief executive officer~~ of the ~~division~~, **Indiana state museum and historic sites corporation**, from gifts of money or the proceeds from the sale of gifts donated to the fund, and from investment earnings from any portion of the fund, shall be deposited in the governors' portraits fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) All money accruing to the governors' portraits fund is continuously allotted and appropriated for the purposes specified in this section.

(e) Money in the fund at the end of the fiscal year does not revert to the state general fund.

SECTION 29. IC 34-30-2-6.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 6.8. IC 4-37-3-5 (Concerning actions of members of the board of trustees for the Indiana state museum and historic sites corporation).**

SECTION 30. IC 35-43-1-6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 6. A person who knowingly or intentionally alters, without a permit, historic property located on property owned or**

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leased by the state commits a Class B misdemeanor.

SECTION 31. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2011]: IC 14-8-2-266; IC 14-8-2-283; IC 14-20-1.

SECTION 32. [EFFECTIVE JULY 1, 2011] (a) The definitions in IC 4-37-1, as added by this act, and IC 14-8-2 apply throughout this SECTION.

(b) All real property, personal property, and artifacts of the division of state museums and historic sites are transferred from the division of state museums and historic sites to the corporation.

(c) All powers, duties, assets, and liabilities of the department of natural resources regarding the division of state museums and historic sites and artifacts of the division of state museums and historic sites that are attributable to the division of state museums and historic sites are transferred to the corporation.

(d) On July 1, 2011, the budget agency shall determine and transfer the available balance of:

(1) the revolving fund of the division of museums and historic sites (IC 14-9-5-2);

(2) the state museum development fund (IC 14-20-1-1.5, repealed by this act);

(3) the state museum acquisition fund (IC 14-20-1-24, repealed by this act); and

(4) any other account intended for the use of state museums, including program, education, and collections funds;

to the state museum and historic sites development fund (IC 4-37-7-1).

(e) The budget agency shall transfer to the corporation appropriations for the department of natural resources for the period beginning July 1, 2011, and ending June 30, 2013, that were intended for the operation and improvement of the state museum according to an allotment schedule under IC 4-13-2-18.

(f) This act does not authorize any rehabilitation or repairs to any state buildings, nor does it allow any obligations to be incurred for lands and structures, without the prior review of the budget committee and the approval of the budget director or the director's designee.

(g) Notwithstanding IC 4-37-3-2(a)(2), as added by this act, the initial appointments by the governor to the board of trustees of the corporation under IC 4-37-3-2(a) shall be staggered as follows:

(1) Four (4) persons appointed by the governor shall be appointed to serve a one (1) year term ending June 30, 2012.

(2) Four (4) persons appointed by the governor shall be

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appointed to serve a two (2) year term ending June 30, 2013.
(3) Five (5) persons appointed by the governor shall be
appointed to serve a three (3) year term ending June 30, 2014.
(h) This SECTION expires July 1, 2013.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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